

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

Kristan Clark v. Dollar Tree Stores, Inc., Family Dollar Stores, Inc.,  
Family Dollar, Inc., Revolent Capital Solutions, doing business as  
“The Facilities Group,” RCS IWC Holdings, LLC, MTC Facility  
Maintenance, LLC and Puresan Holdings, LLC, doing business as  
“National Janitorial Services”

Clark v. Dollar Tree Stores, Inc. · No. 2:24-cv-04967 · Decided November 26, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants MTC Facility Maintenance, LLC’s motion to set aside the Clerk’s entry of default in a slip-and-fall negligence action. The court finds no material prejudice to the plaintiff, identifies facially meritorious defenses, and concludes that MTC’s failure to respond was negligent but not willful or reckless.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Pennsylvania                                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Kelley B. Hodge                                                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Eastern District of Pennsylvania                                                                                                                                                                                                                                                                                                                |
| DECIDED               | November 26, 2025                                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | 2:24-cv-04967                                                                                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | vacated                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Defendant MTC Facility Maintenance moved under Federal Rule of Civil Procedure 55(c) to set aside the Clerk's entry of default in a removed diversity negligence action.                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | Under Federal Rule of Civil Procedure 55(c), the district court has discretion to set aside an entry of default for good cause. The court considers prejudice to the plaintiff, whether the defendant has a meritorious defense, and whether the default resulted from culpable conduct; these factors are applied more liberally to an entry of default than to a default judgment. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum; persuasive authority only                                                                                                                                                                                                                                                                                                                     |

## TOPICS

default civil procedure negligence personal injury

## PRACTICE AREAS

civil procedure personal injury negligence remedies

## QUESTIONS PRESENTED

1. Whether MTC established good cause under Federal Rule of Civil Procedure 55(c) to set aside the Clerk's entry of default.
2. Whether Clark would suffer cognizable prejudice if the entry of default were set aside.
3. Whether MTC presented a meritorious defense.
4. Whether MTC's failure to respond constituted culpable conduct through willfulness or bad faith.

## HOLDINGS

1. The court granted MTC's motion and set aside the Clerk's entry of default because Clark showed no cognizable prejudice, MTC presented facially meritorious defenses, and MTC's failure to respond was negligent but not reckless or willful.

## KEY QUOTATIONS

*"The Court finds that MTC's failure to respond to the Complaint by the deadline, which MTC attributes to its delay in finding counsel, is negligent, but is not reckless or willful." (III.c)*

*"Accordingly, the Court is persuaded that, in conjunction with MTC's meritorious defense and the absence of prejudice to Plaintiff and bad faith conduct, the vacatur of the entry of default is appropriate in view of the Third Circuit's preference for disposition on the merits." (III.c)*

## FACTUAL BACKGROUND

Clark slipped and fell on September 10, 2022, at a Family Dollar store in Boothwyn, Pennsylvania, allegedly because of a slippery substance on the floor, sustaining multiple spinal, cervical, rib, and knee injuries. MTC provided facilities-maintenance and janitorial services at the store. After several unsuccessful service attempts, MTC was served through its managing agent and later through Warren Miles, but failed to answer or otherwise respond, resulting in entry of default. MTC attributed its delay to difficulty obtaining counsel and sought to set aside the default.

## PROCEDURAL HISTORY

Clark filed a negligence and vicarious-liability action in the Philadelphia County Court of Common Pleas on August 8, 2024. Defendants removed the action to the Eastern District of Pennsylvania on September 18, 2024. After service and MTC's failure to answer or otherwise respond, the Clerk entered default against MTC on April 14, 2025. MTC moved to set aside the entry of default on June 16, 2025, and the court granted the motion.

## DISPOSITION

vacated

## CASES CITED

- Rios v. Marv Loves 1, No. CIV.A. 13-1619, 2015 U.S. Dist. LEXIS 116758, at \*7 (E.D. Pa. Sep. 2, 2015)
- United States v. Mulvenna, 367 F. App'x 348, 350 (3d Cir. 2010)
- Doe v. Hesketh, 828 F.3d 159, 174-75 (3d Cir. 2016)
- U.S. v. \$55,518.05 in U.S. Currency, 728 F.2d 192, 195 (3d Cir. 1984)
- Duncan v. Speech, 162 F.R.D. 43, 44 (E.D. Pa. 1995)
- Feliciano v. Reliant Tooling Co., 691 F.2d 653, 656 (3d Cir. 1982)
- Dizzley v. Friends Rehab. Program, Inc., 202 F.R.D. 146, 147-48 (E.D. Pa. 2001)
- Miller v. Metro One Loss Prevention Servs. Grp., No. CIV.A. 23-1729, 2025 U.S. Dist. LEXIS 56798, at \*6 (M.D. Pa. Mar. 27, 2025)
- Accu-Weather, Inc. v. Reuters Ltd., 779 F. Supp. 801, 802 (M.D. Pa. 1991)
- In re O'Brien Env't Energy, Inc., 188 F.3d 116, 127 (3d Cir. 1999)
- Tozer v. Charles A. Krause Milling Co., 189 F.2d 242, 244 (3d Cir. 1951)
- Easley v. Hollibaugh, No. CIV.A. 19-2026, 2021 U.S. Dist. LEXIS 149556, at \*6 (M.D. Pa. Aug. 10, 2021)
- Sarullo v. C-Town Supermarket, No. CIV.A. 08-178, 2010 U.S. Dist. LEXIS 20401, at \*5 (E.D. Pa. Mar. 5, 2010)
- Hritz v. Woma Corp., 732 F.2d 1178, 1182-83 (3d Cir. 1984)
- Estate of Hernandez v. Kretz, No. CIV.A. 12-3152, 2015 U.S. Dist. LEXIS 91610, at \*7-8 (D.N.J. July 15, 2015)
- Zawadski de Bueno v. Bueno Castro, 822 F.2d 416, 420 (3d Cir. 1987)
- Momah v. Albert Einstein Med. Ctr., 161 F.R.D. 304, 307 (E.D. Pa. 1995)